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OFFICE OF PETITIONS

In re Patent No. 6,787,338 :
Issue Date: September 7, 2004 :
Application No. 09/132,156 : **DECISION ON PETITION**
Filed: August 11, 1998 :
Attorney Docket No. A-67724-8/RFT/SPL :

This is a decision on the "PETITION UNDER 37 CFR 1.183", filed October 4, 2004 (Certificate of Mailing dated September 29, 2004).

The petition under 37 CFR 1.183 is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.¹ However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 1.183 is granted. Such petition under 37 CFR 1.183 should include:

- (A) the petition fee required by 37 CFR 1.17(h);
- (B) a request that 37 CFR 3.81(a) be waived to permit the correct name of the assignee to be provided after issuance of the patent;
- (C) a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- (D) a copy of the Notice of Recordation of Assignment Document.²

¹ See 37 CFR 3.81.

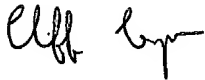
² MPEP 307.

Here, petitioner included the required \$130 petition fee, made a request that 37 CFR 3.81(a) be waived, stated that the failure to include the correct assignee name on the PTOL-85B was inadvertent, and included a copy of the "Notice of Recordation of Assignment Document".

The \$100 fee for the Certificate of Correction has been charged to Deposit Account No. 50-2319, as authorized..

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions